

REMARKS

Applicant has carefully reviewed the Office Action mailed July 14, 2008 and offers the following remarks.

Claims 1, 2, 7-15, 30, 31, and 36-44 remain pending.

Claims 1, 2, 7-15, 30, 31, and 36-44 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0147008 A1 to Kallio (hereinafter "Kallio"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. M.P.E.P. § 2131.

Applicant previously argued that Kallio does not teach each and every element of claim 1 (See Response filed December 11, 2006, pp. 3-5, Response filed May 21, 2007, pp. 12-14; and Response filed April 29, 2008, pp. 12-15). Applicant reiterates those arguments and incorporates them by reference in this Response. Applicant does not waive these arguments. In particular, Applicant maintains that claim 1, which recites that an inter-switch call handoff technique is used in order to transition a call from a cellular connection to a local wireless connection is not taught by Kallio. The claimed invention is directed to using inter-switch call handoff techniques to transition a call from a cellular network to a local wireless network, such that the call is seamlessly handed off despite the different frequencies, modulation, and protocols used in the cellular network and the local wireless network.

Kallio does not teach using an inter-switch call handoff technique as recited by the claimed invention. Instead, Kallio relies on intra-switch cellular techniques (cell sites served by the same switch) for call handoff (see, e.g., Kallio paragraph 0028, which discloses an A-interface gate, which is a standard base station controller interface to a mobile switching center). Since Kallio only discloses using intra-switch techniques for call handoff, Kallio does not teach inter-switch call handoff techniques, and thus does not teach "receiving an **inter-switch** handoff request from a wireless switch supporting a call to the mobile terminal over a cellular access network, the call comprising a first connection from the wireless switch to the mobile terminal and a second connection between the wireless switch and an entity, effecting establishment of an **inter-switch handoff connection** to the mobile terminal via a terminal adaptor, which supports local wireless communications with the mobile terminal, and providing an **inter-switch handoff instruction** to the wireless switch to connect the second connection and the **inter-switch**

handoff connection to effect handoff of the call from the cellular connection to the local wireless connection,” as recited in claim 1.

The Patent Office alleges that paragraphs 0030, 0031, and 0049 of Kallio teach the claimed inter-switch handoff (Office Action mailed July 14, 2008, p. 3). In particular, the Patent Office states that the “WMC receives handoff request from BSC 114, i.e. wireless switch. The handoff request is causing handover from the wireless switch BSC 114 to the MTS switch, so it is a (sic) inter-switch handoff.” *Ibid.* Applicant respectfully disagrees.

The Patent Office’s characterization of Kallio is inaccurate. First of all, the premises of the Patent Office are incorrect. The BSC 114 is not a wireless switch. The BSC 114 is a Base Station Controller, a dependent sub-entity that is connected and subtended to the mobile switching center (MSC) 120. An MSC may support multiple BSC’s. Notably, the BSC’s of Kallio employ intra-switch handoff techniques using the A-interface gateway (Kallio, paragraphs 0027 and 0028) when dealing with the MSC.

Likewise, the AGW 310 also acts as a subsystem toward the MSC 120. The AGW 310 may act as the GSM Base Station Subsystem (BSS) towards the MSC (Kallio, paragraph 0051). Thus, the AGW 310 is going to appear like a BSC to the MSC. Accordingly, the AGW 310 is also going to use intra-switch cellular techniques for call handoff.

In addition, Applicant has reviewed the cited portions of Kallio and finds no teaching of a handover from BSC 114 to the MTS switch, as alleged by the Patent Office. The MTS 220 in Kallio is a Mobile Transaction Server. It is not a wireless switch. Moreover, there is no mention in Kallio that there is a handover from the BSC 114 to the MTS 220. The MTS 220 may be arranged to control the wireless LAN 100 and operation of the WMC 210 and AGW 310, including Nokia RCP (Rich Call Platform) style local routing for voice calls that are needed. However, all MTS functions can be included in the WMC 210 or the AGW 310 (Kallio, paragraph 0031). Messages may be sent toward the AGW 310 via the MTS 220 if it is used (Kallio, paragraph 0030). However, there is no mention of a handoff request from BSC 114 to MTS 220, nor is there any teaching or suggestion that these messages sent to the AGW 310 via the MTS 220 would be inter-switch handoff requests. In any event, the MTS 220 would also not use inter-switch techniques.

Finally, claim 1 recites “providing an inter-switch handoff instruction to the wireless switch to connect the second connection and the inter-switch handoff connection to effect

handoff of the call from the cellular connection to the local wireless connection.” The Patent Office has not pointed to anything in Kallio that is equivalent to an inter-switch handoff instruction to the wireless switch, as recited in claim 1. In fact, the Patent Office merely states that “handoff instructions are sent to a mobile station via the BSC 114” (Office Action mailed July 14, 2008, p. 4). However, the claim recites providing an inter-switch handoff instruction **to the wireless switch**. Thus, the Patent Office has failed to make a *prima facie* case with respect to where the element of “providing an inter-switch handoff instruction to the wireless switch” is found in the prior art. In any event, paragraph 0051 of Kallio as cited by the Patent Office does not disclose that an inter-switch handoff instruction is provided to the wireless switch to connect the second connection and the inter-switch handoff connection to effect handoff of the call from the cellular connection to the local wireless connection. There is no mention of inter-switch handoff instructions being provided to the MSC in paragraph 0051 of Kallio. Thus, Kallio does not disclose “providing an inter-switch handoff instruction to the wireless switch to connect the second connection and the inter-switch handoff connection to effect handoff of the call from the cellular connection to the local wireless connection,” as recited in claim 1. Claim 1 is thus patentable for this additional reason.

For the foregoing reasons, Kallio simply does not teach any inter-switch handoff techniques, as recited by the claimed invention. Since Kallio only discloses using intra-switch techniques for call handoff, Kallio does not teach inter-switch call handoff techniques, and thus does not teach “receiving an **inter-switch** handoff request from a wireless switch supporting a call to the mobile terminal over a cellular access network, the call comprising a first connection from the wireless switch to the mobile terminal and a second connection between the wireless switch and an entity, effecting establishment of an **inter-switch handoff connection** to the mobile terminal via a terminal adaptor, which supports local wireless communications with the mobile terminal, and providing an **inter-switch handoff instruction** to the wireless switch to connect the second connection and the **inter-switch handoff connection** to effect handoff of the call from the cellular connection to the local wireless connection,” as recited in claim 1.

Claim 30 contains similar limitations as those recited in claim 1. Claim 30 is thus patentable for at least the same reasons discussed above with respect to claim 1.

Claims 2 and 7-15 depend from claim 1, and claims 31 and 36-44 depend from claim 30. Therefore, claims 2, 7-15, 31, and 36-44 are allowable for at least the same reasons as claim 1.

Withdrawal of the rejection of claims 2, 7-15, 31, and 36-44 under 35 U.S.C. § 102(e) is respectfully requested. Notwithstanding this, certain dependent claims require special mention.

Claims 2 and 31 recite that “the inter-switch handoff connection is established in part between a wireline switch and the terminal adaptor.” The Patent Office previously argued that the WMC 210 of Kallio is a wireline switch and cited to an element in Figure 1 labeled as WLAN access point with WMC SW WMC 210 (Final Office Action mailed January 29, 2008, p. 5). Now the Patent Office alleges that the MTS is the wireline switch (Office Action mailed July 14, 2008, p. 4). It is clear that the MTS is not a wireline switch. MTS 220 is a Mobile Transaction Server that is part of a wireless LAN (see Kallio, paragraph 0028). Therefore, MTS 220 of Kallio is not the wireline switch of the claimed invention. Thus, the portion of Kallio cited by the Patent Office does not disclose a wireline switch or an inter-switch handoff connection established between a wireline switch and the terminal adaptor. Since Kallio fails to disclose each and every element of claims 2 and 31, Kallio cannot and does not anticipate claims 2 and 31. Accordingly, claims 2 and 31 are allowable for this additional reason. Withdrawal of the rejection of claims 2 and 31 under 35 U.S.C. § 102(e) is respectfully requested.

Claims 7 and 36 recite that “the inter-switch handoff connection is established in part over a packet network operatively coupled to the terminal adaptor.” The Patent Office cites to paragraph 0033 of Kallio to support the rejection of these claims (Office Action mailed July 14, 2008, p. 4). The cited portion of Kallio discloses only that the wireless LAN 200 and the GSM network may use different protocols and that the Mobile Station 150 “may adapt the different call control protocol.” (Kallio, paragraph 0033). There is no mention of a terminal adaptor and certainly no mention that “the inter-switch handoff connection is established in part over a packet network operatively coupled to the terminal adaptor.” Since the cited portion of Kallio does not disclose a terminal adaptor or an inter-switch handoff connection, or any other connection, being “established in part over a packet network operatively coupled to the terminal adaptor,” Kallio fails to disclose each and every element of claims 7 and 36, and Kallio does not anticipate claims 7 and 36. Accordingly, claims 7 and 36 are allowable. Withdrawal of the rejection of claims 7 and 36 under 35 U.S.C. § 102(e) is respectfully requested.

Claims 3 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kallio in view of U.S. Patent No. 5,737,703 to Byrne (hereinafter “Byrne”). Applicant respectfully traverses. To establish *prima facie* obviousness, the Patent Office must show where

each and every element of the claim is taught or suggested in the combination of references.
M.P.E.P. § 2143.03.

Claim 3 depends from claim 2, which depends from claim 1. Claim 32 depends from claim 31, which depends from claim 30. Therefore, claims 3 and 32 contain all of the elements of claims 1 and 2, and 30 and 31, respectively. As mentioned above, Kallio does not teach each and every element of claims 1 and 30. This deficiency of Kallio is not cured by combining Byrne with Kallio. Thus, claims 3 and 32 are patentable as being dependent on claims 1 and 30, respectively.

Claims 4, 5, 33, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kallio in view of U.S. Patent No. 6,243,581 B1 to Jawanda (hereinafter “Jawanda”). Applicant respectfully traverses. The standards for obviousness are set forth above.

Claims 4 and 5 depend indirectly from claim 1. Claims 33 and 34 depend indirectly from claim 30. Therefore, claims 4 and 5 contain all of the elements of claim 1, and claims 33 and 34 contain all of the limitations of claim 30. As discussed above, Kallio fails to teach each and every element of independent claims 1 and 30. Jawanda does not cure the deficiencies of Kallio in this regard. Therefore, the Patent Office has failed to establish *prima facie* obviousness of claims 4, 5, 33, and 34 based on the combination of Jawanda with Kallio. Thus, the rejection of claims 4, 5, 33, and 34 under 35 U.S.C. § 103(a) is improper, and, accordingly, claims 4, 5, 33, and 34 are allowable. Withdrawal of the rejection of claims 4, 5, 33, and 34 under 35 U.S.C. § 103(a) is respectfully requested.

Claims 6 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kallio in view of U.S. Patent No. 6,181,938 B1 to Salmela et al. (hereinafter “Salmela”). Applicant respectfully traverses. The standards for obviousness are set forth above.

Claim 6 depends from claim 2, which depends from claim 1. Claim 35 depends from claim 31, which depends from claim 30. Therefore, claims 6 and 35 contain all of the elements of claims 1 and 2, and 30 and 31, respectively. As mentioned above, Kallio does not teach or suggest each and every element of claims 1 and 30. Combining Salmela with Kallio does not cure this deficiency. Therefore, the Patent Office has failed to show where each and every element of claims 6 and 35 is taught or suggested in the combination of Salmela with Kallio. Accordingly, the Patent Office has failed to establish *prima facie* obviousness of claims 6 and 35 based on the combination of Salmela with Kallio and, as such, the rejection of claims 6 and 35

under 35 U.S.C. § 103(a) is improper and claims 6 and 35 are allowable. Withdrawal of the rejection of claims 6 and 35 under 35 U.S.C. § 103(a) is respectfully requested.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By: 

John R. Witcher, III
Registration No. 39,877
100 Regency Forest Drive, Suite 160
Cary, NC 27518
Telephone: (919) 238-2300

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